REMARKS

Claims 1-34 are pending. Claim 35 is withdrawn from consideration. Claim 26 is objected to due to informalities. Applicants have amended Claims 1-5, 8, 10-13, 15-23, 25-27, and 29-35, canceled Claims 6, 7, 9, 14, 24, and 28, and have added new Claims 36-42. Support for the amendments to Claim 1 can be found, for example, in Application paras. [0040], [0045], [0046], [0050], and throughout. Support for the amendments to Claim 2 can be found, for example, in paras. [0043], [0045], in prior Claims 3 and 4, and throughout. Support for the amendments to Claim 3 can be found, for example, in para. [0029], and throughout. Support for the amendments to Claim 4 can be found, for example, in paras. [0029], [0030], [0032], and throughout. Support for the amendments to Claim 5 can be found, for example, in prior Claims 6 and 7, and throughout. Support for the amendments to Claim 8 can be found, for example, in prior Claims 1 and 9, and throughout. Support for the amendments to Claim 10 can be found, for example, in prior Claim 11, and throughout. Support for the amendments to Claim 11 can be found, for example, in paras. [0045], [0046], and throughout. Support for the amendments to Claim 12 can be found, for example, in the claim itself. Support for the amendments to Claim 13 can be found, for example, in paras. [0012], [0025], [0037], prior Claim 14, and throughout. Support for the amendments to Claim 15 can be found, for example, in paras. [0034], [0035], and throughout. Support for the amendments to Claim 16 can be found, for example, in para. [0029], and throughout. Support for the amendments to Claim 17 can be found, for example, in para. [0050], and throughout. Support for the amendments to Claim 18 can be found, for example, in paras. [0040], [0043], [0045], and throughout. Support for the amendments to Claim 19 can be found, for example, in para. [0029], and throughout. Support for the amendments to Claim 20 can be found, for example, in paras. [0029], [0030], [0032] and throughout. Support for the amendment to Claim 21 can be found, for example, in the claim itself. Support for the amendments to Claim 22 can be found, for example, in paras. [0044], [0046], and throughout. Support for the amendments to Claim 23 can be found, for example, in prior Claim 17 and 24, and throughout. Support for the amendment to Claim 25 can be found, for example, in the claim itself. Support for the amendments to Claim 26 can be found, for example, in para. [0044], and throughout. Support for the amendments to Claim 27 can be found, for example, in paras. [0012], [0025], [0037], prior Claim 28, and throughout. Support for the amendment to Claim 29

can be found, for example, in the claim itself. Support for the amendments to Claim 30 can be found, for example, in para. [0029], and throughout. Support for the amendments to Claim 31 can be found, for example, in para. [0050], and throughout. Support for the amendments to Claim 32 can be found, for example, in the claim itself. Support for the amendments to Claim 33 can be found, for example, in prior Claim 31. Support for the amendments to Claim 34 can be found, for example, in para. [0050]. Support for the amendments to withdrawn Claim 35 can be found, for example, in the claim itself. Support for new Claim 36 can be found, for example, in paras. [0029], [0030], [0044], and throughout. Support for new Claim 37 can be found, for example, in para. [0044] and throughout. Support for new Claim 38 can be found, for example, in paras. [0034], [0035], and throughout. Support for new Claim 39 can be found, for example, in paras. [0029], [0030], [0044], and throughout. Support for new Claim 40 can be found, for example, in para. [0044], and throughout. Support for new Claim 41 can be found, for example, in paras. [0040], [0043], [0045], and throughout. Support for new Claim 42 can be found, for example, in para. [0044], and throughout.

Applicants submit that these amendments and corrections herein are made without prejudice as to patentability, including the doctrine of equivalents, and not to overcome prior art, and that no new matter has been added.

Applicants submit herewith a request for continued examination along with the required fee and the fee for a single extra dependent claim. The Director is also hereby authorized to charge or credit any other or additional fees to Bracewell & Giuliani LLP, Deposit Account No. 50-0259 (Attorney Docket No. 0408RF.045828).

Claims 1-3, 15-19, 30, and 34 are Not Obvious

Claims 1-3, 15-19, 30, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Tafoya, U.S. Patent Application No. 2003/0130974. Applicants respectfully traverse the rejection.

Tafoya describes a knowledge management database system and method for building such a system, which relies on input from various subject matter experts (humans) that collect

and compile information to be stored in the database. That is, Tafoya does not disclose, teach, or suggest, or otherwise set forth or describe an automated software agent discovering or retrieving pertinent inputs to a dynamic reference repository, as featured, at least in part, in Independent Claim 1, a customizable software agent as featured, at least in part, in Independent Claim 31; or a processing module executing instructions to do so, as featured, at least in part, in Independent Claims 17 and 34. The Examiner stated that the abstract, paras. [0004], [0010], [0046-0047], [0049], step 40 of figure 1A, and Step 2 (step 72) of figure 5, provide such teaching. Applicants respectfully submit that: Para. [0004] instead identifies a general problem being that knowledge and information enter an existing organization haphazardly, i.e., "by plan or by accident." Para. [0010] indicates that the Tafoya process is iterative. Step 40 of figure 1A illustrates searches performed to query a knowledge database, in contrast to, those to gather information for inclusion. The abstract and paras. [0046]-[0047] describe "creation of a knowledge management database, and in particular, the use of [human] subject matter experts for review of *each* item that is compiled, catalog and added to the database system." Further, para. [0049] and step 74 of figure 5, explicitly detail that "collection and compilation of information [step 74 of the information listed in step 72] is completed by subject matter experts [(*humans*)]..." and that such procedure is *important to the Tafoya invention*. Accordingly, rather than teach automated collection and compilation of information, in contrast, Tafoya explicitly teaches that which Applicants have unambiguously indicated in Application para. [0007] to be inadequate: application of a significant amount of what the Applicants term in Application para. [0007], last sentence, as "human-ware"--effectively teaching away from Applicants' claimed embodiments.

Still further, Yanagihara, described in more detail in the following (below) section of this response, does not fill in the gaps. Particularly, as will be described in more detail later, even if one were to interpret Yanagihara as providing a customizable agent search, Yanagihara does not disclose, teach, or suggest a customizable software agent configured for discovering and retrieving pertinent inputs to [*populate*] a dynamic reference repository, but rather, arguably teaches, at least to some extent, means or methods that can be employed to search (*query*) a database which is being maintained by some *other* means.

Nevertheless, citing MPEP 2144.04II (citing *In re Venner and Bowser*, 120 USPQ 192 (CCPA 1958)), the Examiner expressed concern that the claims would be obvious as set forth in

legal precedent. As indicated by the Examiner, in *In re Venner and Bowser*, 120 USPQ 192, 194 (CCPA 1958)(citing *In re Application of Rupert E.Rondell*, 9 USPQ 220, 221 (CCPA 1931) (submitted as Attachments 1 & 2, respectively)), the Court stated that "it is not 'invention' to *broadly* provide a mechanical or automatic means to replace manual activity which has accomplished the same result." (Emphasis added). It is very important, however, that the citation specifically uses the term "broadly" in front of the phrase "provide a mechanical or automatic means." In other words, the Court did not hold that it would not be "invention" to provide a mechanical or automatic means to replace manual activity, but rather to "broadly" do so. The question then is: What does this phrase mean as qualified with the term "broadly"? On closer inspection of the citation referenced by the Court to support the Court's statement (provided on page 221 of *In re Application of Rupert E.Rondell*), it is clear that the qualified phrase means that: merely including a statement in a claim that "automatic operating means" perform a known function previously performed manually is *not* sufficient *without* claiming the particular automatic mechanism. *See In re Application of Rupert E.Rondell*, 9 USPQ at 221 (stating that "The mere statement that a device is to be operated automatically instead of by hand, *without* a claim specifying any particular automatic mechanism, is not a statement of an invention.") (internal citations omitted) (emphasis added).

Notably, Applicants do not make a mere statement that the claimed steps/operations were merely performed automatically, but rather, in Claim 1, for example, Applicants feature a structural element--an automated software agent configured to communicate with the plurality of information resources and the database for storing collective knowledge. Similarly, in Claim 31, for example, Applicants feature a structural element--a customizable software agent configured to communicate with the plurality of information resources and the stored knowledge in the dynamic reference repository. In Claims 17 and 34, Applicants feature a structural element--a processing module that is specially configured/operable to perform such functions. Thus, Applicants have clearly specified a particular automatic mechanism in the independent claims, with particularity: the automated software agent in Independent Claim 1, the customizable software agent in Independent Claim 31, and the processor module in Independent Claims 17 and 34. Accordingly, at least for this reason, Applicants' claims are not in conflict with, or

rendered obvious by, the holding of either *In re Venner and Bowser* or *In re Application of Rupert E.Rondell.*

Further, notably, in *In re Venner and Bowser*, the "timer," and application of the timer which provided the automated operation, was well-known in the prior art. As such, Applicants further respectably submit that *In re Venner and Bowser*, simply *does not* stand for a premise that specially configured software, software components, or processing modules, which are not known in the art (as configured) is not patentable, even if the process to which they are configured to execute was previously capable of being manually performed. Notably, although a basic search engine or search web forms may be known, the claimed automated software agent/customizable software agent/processing module configured to retrieve the pertinent inputs to (for) a dynamic reference repository from one or more information resources to update or add to (or otherwise populate) the collective knowledge stored within the dynamic reference repository, was *not* known. Accordingly, at least for this reason, Applicants again further submit that Applicants' claims are not in conflict with, or otherwise rendered obvious by, the holdings of either *In re Venner and Bowser* or *In re Application of Rupert E.Rondell.*

Still further, Applicants have amended the claims to ensure that there is no ambiguity as to whether or not the Applicants are claiming a novel and nonobvious structural element or elements to perform the process steps/operations of the claimed embodiments of the invention. For example, Applicants have further amended Independent Claims 1, 17, 31, and 34 to clearly define what is meant by "pertinent inputs" and have amended Independent Claim 1 to include a contextual mapping feature.

On page 18 of the Office Action, the Examiner additionally takes official notice that "it would have been obvious to automate Tafoya's system to further improve knowledge retrieval and management... to give their system a competitive advantage." First, Applicants respectfully wish to submit that this could not be true as Tafoya specifically indicates the importance of having subject matter experts collect and compile the information for the Tafoya system. *See* Tafoya, para. [0049] (stating: "Importantly, collection and compilation of information is completed by subject matter experts (step 74)..."). Thus, Tafoya explicitly teaches away from making such modification.

Further, by way of analogy, if such premise were true, at least in general, a motorcycle (a bicycle having a motor which replaced manual operation) would have never have been a patentable invention; nor would any form of control software or automation machinery.

Accordingly, Applicants respectfully submit that Tafoya (alone or in combination with Yanagihara) does not disclose, teach, or suggest, or otherwise set forth, each and every element of Independent Claims 1, 17, and 34 (or Independent Claims 31, discussed later). Correspondingly, Independent Claims 1, 17, 31, and 34 have been shown to be novel and define over Tafoya. Further, as Tafoya explicitly teaches away from Applicants' claimed methodology, and as the combined teachings of Tafoya with Yanagihara posted cannot teach each and every claim element, Independent Claims 1, 17, 31, and 34, would also be patentable over Tafoya, alone or in combination with Yanagihara (or Aaron, described later).

Dependent Claims 2-3, 15-16, 18-19, and 30, have also been shown to be allowable because their corresponding independent claims have been shown to be allowable. Nevertheless, the dependent claims include independent novelty and nonobvious features, some of which are newly added.

Claim 2, for example, at least in part, features an automated software agent cataloging the pertinent inputs. Applicants respectfully wish to point out that one skilled in the art would not interpret a process which describes a human cataloging information, as a disclosure or teaching of an automated software agent configured to search, catalog, or maintain pertinent inputs. Nor do either of the cited references disclose, teach, or suggest determining the pertinent inputs in a context of a specified capability.

Claim 3, for example, at least in part, features the pertinent inputs to the dynamic reference repository including updates made to one or more of the plurality of information resources utilized as a prior existing source of information for the dynamic reference repository, which is not disclosed, taught, or suggested by the cited references.

Claim 15, for example, at least in part, features the steps of tagging a term and contextually relating the term with its associated information source to allow the term to be differentiated and properly used to thereby maintain integrity of an assigned meaning of the term, and redefining contextually one or more terms and definitions underlying the database

responsive to at least one discovered pertinent input, which is not disclosed, taught, or suggested by the cited references.

Claims 16 and 30, for example, feature, at least in part, time stamping discovered pertinent inputs with current time prior to dissemination to users of the database. Figure 12 illustrates the format in which information entered in the figure 11 template is then displayed to a user. Applicants respectfully wish to point out that the "date" shown in figure 12 would not be interpreted by one skilled in the art as being "time stamping discovery," but rather, an origination date of the article entered by the human reviewer. As such, Tafoya does not disclose or teach an automated timestamp of inputs discovered by an automated software agent through use of an automated process.

Claim 18, for example, at least in part, features determining the pertinent inputs in a context of a specified capability, cataloging the pertinent inputs to the dynamic reference repository, contextually mapping the pertinent inputs to the dynamic reference repository to the specified capability with a customizable agent to do so, and maintaining the pertinent inputs to the dynamic reference repository, which are not disclosed, taught, or suggested by the cited references.

Claims 4-5, 10-13, 20-23, 29, and 31-32 are Not Obvious

Claims 4-7, 10-13, 20-23, 29, and 31-32 were rejected under 35 USC §103(a) as being unpatentable over Tafoya in view of Yanagihara et al., U.S. Patent No. 6,161,102 ("Yanagihara"). Applicants respectfully traverse the rejection. Note, Claims 6 and 7 have been canceled--their features being incorporated in amended Claim 5.

Tafoya was discussed previously. Yanagihara generally describes a method and apparatus for processing information by searching for information in a data processing system coupled to an information storage device. Particularly, Yanagihara describes means for performing two user defined/entered search requests, concurrently, rather than sequentially, and for indicating to the user the availability (or nonavailability) of the information source. *See* col. 3, lines 15-20 and 26-28. For example, as shown in figures 4a-5, Yanagihara describes providing a first user search request window (401) which allows entry of search criteria, and the ability to concurrently create a second search request window (501, step 307) shown, e.g., in

figure 5, to perform a second search without the need to have the user wait until the first search is completed (Yanagihara's stated problem to which it sought to solve). In other words, Yanagihara instead teaches a means and/or method for a user to search one or more database(s) of an information storage device, concurrently, which may or may not be immediately available due to use by another user (*see* col. 10, lines 44-62)--in contrast to Applicants teaching of discovering, retrieving, or managing pertinent inputs to such storage device or associated database(s). Such teachings are in such contrast that arguably Yanagihara should be deemed non-analogous art.

Accordingly, Applicants respectfully submit that in addition to the previously provided reasoning for there being a lack of motivation to combine any reference with Tafoya to try to build the claimed embodiments of Applicants' invention (to include a showing that Tafoya effectively teaches away from the direction in which the Applicants went), one skilled in the art would also not be motivated to try to combine Yanagihara with Tafoya to do so, as the claimed embodiments of Applicants invention solve problems unrelated to those of Yanagihara and Tafoya (both specifically and in general with respect to the information technology industry), and as the nature of the problems to be solved (in general, and specifically as disclosed by the cited documents or any need or problem known in Applicants' field of endeavor at the time of the invention *and* addressed by the Application), provide no such motivation as required by MPEP 2141.01(a)I (citing KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007)) (emphasis added). Further, even if there were found to be motivation to combine reference teachings, Applicants respectfully submit that such combination would not produce the claimed embodiments of Applicants' invention, at least because Yanagihara does not disclose, teach, or suggest a customizable software agent configured for discovering and retrieving pertinent inputs to (for) populating or updating a dynamic reference repository, or a GUI for creating such agent. A more detailed discussion follows:

Regarding the features of prior Claim 4, even if the Yanagihara search request windows (401, 501) were to be considered equivalents of the claimed customizable software agents, Yanagihara alone or in combination with Tafoya does not disclose, teach, or suggest a customizable software agent configured for discovering and retrieving pertinent inputs to (for) a dynamic reference repository, as featured, at least in part, in Claim 4. There is a substantial difference between a search engine to scour or query a database for information and an agent for

gathering information *for* the database. Further, regarding the legal precedent argument presented in the Office Action, Applicants are not merely claiming a naked customizable software agent, but rather, one configured with specific features not disclosed, taught, or suggested. As noted previously, legal precedent does not render such a structural component obvious merely because it performs functions that could be performed manually. If such were true, no control software patents or even mechanical control units would be patentable. Note, the features of prior Claim 4 have been incorporated in amended Claim 2.

Regarding amended Claim 4, neither of the cited references disclose, teach, or suggest identifying updates made to one or more of the plurality of information resources utilized as a prior existing source of information for the dynamic reference repository, or providing notice of the identified updates made to the existing sources of information, to users of the dynamic reference repository. Notably, the featured notice is of the updates to the database, not merely updates to the information sources.

Regarding amended Claim 5 (incorporating the features of prior Claims 5, 6, 7), for the reasons also as noted previously and as respectfully submitted herewith, Tafoya, alone or in combination with Yanagihara, does not disclose, teach, or suggest a customizable software agent for discovering or retrieving pertinent inputs. Although Tafoya, to at least some extent, also describes means or methods that can be employed to *search* a dynamic reference repository (paragraph [0034] and figure 1), any information collection and compilation is completed by "human" subject matter experts. *See* para. [0049]. Applicants respectfully wish to point out that one skilled in the art would not interpret a process which includes a human searching for, or retrieving information, as a disclosure or teaching of an automated software agent configured to for searching, discovering, or retrieving pertinent inputs, much less for inclusion in the database, an important advancement in data management.

Also regarding the last element of amended Claim 5 (and Claims 23 and 32), Tafoya does not disclose, teach, or suggest a customizable software agent comprising utilities to conduct SME reviews, assessments, or interviews. Applicants have reviewed the citations provided by the Examiner, but have found no such teaching. In contrast, para. [0047] describes sources for "raw" information, and figure 11 illustrates a template that may be used for adding a book or

article to the Tafoya database system (see paras. [0023] and [0060]). Applicants respectfully submit that this would not be considered by one skilled in the art to be an automated utility for reviewing, assessing, or interviewing the Tafoya subject matter experts, but rather, in contrast, would be considered a means of providing justification for including a book or article in the Tafoya database system, and possibly assigning attributes that can be used in searching for the book or article once linked to the database system.

Regarding Claim 10 (incorporating the features of prior Claims 10-11) and Claim 21, even if the search request windows (401, 501) were to be considered equivalents of the claimed customizable software agents, which Applicants contend they are not, Yanagihara alone or in combination with Tafoya, does not disclose, teach, or suggest a GUI for creating such search as featured in Claims 10 and 11, but rather, instead arguably teaches, at least to some extent, means or methods that can be employed to customize or create a search (or query) of an existing database, which is being maintained by some *other* means (not disclosed in Yanagihara).

Regarding amended Claim 11, neither of the cited references disclose, teach, or suggest identifying the pertinent inputs from within the plurality of information resources to thereby populate and update the database within the dynamic reference repository, or culling a set of knowledge resources and producing refined and contextual results to populate the database within the dynamic reference repository to thereby facilitate shared knowledge.

Regarding Claims 12 and 29 (as amended), for the reasons also as noted previously and as respectfully submitted herewith, Yanagihara alone or in combination with Tafoya, does not disclose, teach, or suggest running periodic *and* prioritized customizable agent searches. Even equating the Yanagihara information storage devices to the claimed dynamic reference repository for the sake of argument, in contrast to performing automated searches for gathering information for (or to) the dynamic reference repository, as featured in the claim, Yanagihara col. 9, lines 15-20, and figure 7B (cited by the Examiner) describe performing periodic searches *of* (or from) a dynamic reference repository. Thus, Claims 12 and 29 feature a significant structural difference not disclosed, taught, or suggested. Nor does Yanagihara disclose, teach, or suggest prioritization of the automated database populating searches. Applicants respectfully submit that field (513) of figure 5, cited by the Examiner as providing such teaching, instead

provides a minimum relevance rank search field which allows a user to reduce the number of displayed documents resulting from any user entered search by selecting a minimum relevance ranking of the results of the search. Accordingly, Applicants submit that these features are unrelated.

Regarding Claim 13 (and Claim 27), neither of the cited documents disclose, teach, or suggest customizable agent searches that are neutral to data format. Applicants have reviewed the citations provided by the Examiner, but have found no such teaching. Although using similar terminology, the "different types of documents" referred to in Yanagihara, col. 8, lines 14-16, refers to documents (arguably of the same format) produced under a different search criteria, in contrast to that featured in Claim 13: a different *format*, e.g., "[c]ommon data types include[ing] but...not limited to electronic forms such as those compatible with Microsoft Office, internet documents, email documents, or any other compatible forms of electronic communication...[including] graphics, text, video or audio" (see Application paras. [0012], [0025], and [0037]).

Regarding amended Claim 20, neither of the cited references disclose, teach, or suggest instructions to identify updates made to the at least one information resource utilized by the processing module as a prior existing source of information for the dynamic reference repository, or those to update the database within the dynamic reference repository, or a processing module further operable to provide notice of the identified updates made to the existing sources of information, to users of the dynamic reference repository.

Regarding amended Claim 22, neither of the cited references disclose, teach, or suggest a dynamic reference repository system comprising at least one customizable agent configured to retrieve the pertinent inputs to (for) the dynamic reference repository from the at least one information resource, or an interface configured to provide a single common user entry point into the at least one database for a plurality of physically spaced apart users connected through a corresponding plurality of different networks, and configured to allow each of the plurality of users to create, edit, and manage the at least one customizable agents to create, populate, and maintain contextual information extracted from the at least one information resource to thereby provide shared knowledge throughout the enterprise.

Regarding Independent Claim 31 and Dependent Claim 32, first, as noted previously, Applicants respectfully submit that Tafoya *is not* a proper reference for an obviousness rejection as it is not only just that kind of art that Applicant has indicated as being inadequate (see Application paragraph [0007], last sentence), i.e., Tafoya explicitly teaches away from the Applicants' claimed methodologies (see para. [0049] (stating "[i]mportantly, collection and compilation of information is completed by *subject matter experts...*") (emphasis added)). Further, neither Tafoya nor Yanagihara, alone or in combination, disclose, teach, or suggest an automated customizable software agent configured for discovering and retrieving pertinent inputs to (for) a dynamic reference repository, *but rather*, at least to some extent, describes means or methods that can be employed to *search* a dynamic reference repository which is being maintained by some *other* means. This is a significant structural difference. Applicants respectfully submit that one skilled in the art would not equate customizable software agent(s) configured to discover, retrieve, manage, catalog, and distribute pertinent inputs to a dynamic reference repository, with a basic window search function or agent configured or configurable merely to perform a search (according to user criteria entered in various input fields) on a pre-established and pre-maintained information storage device/associated database or dynamic reference repository. This is a significant difference not taught or suggested.

Accordingly, Applicants respectfully submit that Tafoya, alone or in combination with Yanagihara, does not disclose, teach, or suggest, or otherwise set forth each element of Independent Claim 31 or of dependent Claims 4-7, 10-11, 12, 13, 20-23, 29, and 32. Reconsideration is respectfully requested.

Claims 8, 23, and 25 are Not Obvious

Claims 8, 9, 24, and 25 were rejected under 35 USC §103(a) as being unpatentable over Tafoya in view of Aaron, U.S. Patent Pub. No. 2005/0015382 ("Aaron"). Applicants respectfully traverse the rejection. Note, Claims 9 and 24 have been canceled--their features being incorporated in amended Claims 8 and 23, respectively.

Tafoya was discussed previously. Aaron, directed to an entirely different problem than that of Tafoya and than that of Applicants, describes a system and method for determining electronic vulnerability and for performing a vulnerability and reliability assessment resulting

from a policy change. *See* paras. [0003]-[0008]. Accordingly, Applicants respectfully submit that one skilled in the art would not be motivated to try to combine Aaron with Tafoya in order to try to build Applicants invention (arguably to the extent of considering Aaron non-analogous art), as the claimed embodiments of Applicants' invention solve very unrelated problems (both specifically and in general with respect to the information technology industry), and as the nature of the problems to be solved (in general, and specifically as disclosed by the cited documents) or any need or problem known in Applicants' field of endeavor at the time of the invention *and* addressed by the Application, provide no such motivation, as required by MPEP 2141.01(a)I (citing KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007)) (emphasis added).

Further, even if there were motivation to combine reference teachings, Applicants respectfully submit that such combination would not produce the claimed embodiments of Applicants' invention, at least because Aaron does not disclose, teach, or suggest providing "pertinent inputs" to a dynamic reference repository. As noted previously, the claimed pertinent inputs relate to reference knowledge which can update or add to the collective knowledge stored within the dynamic reference repository. As will be described in more detail below with reference to specific claims, Aaron provides no such teachings. The Examiner further premised that a database query described by Aaron falls under the definition of "pertinent inputs." Although Applicants disagree, Applicants have amended the corresponding Independent base claims to further clarify what is meant by "pertinent inputs."

Regarding Claims 8 and 23 (incorporating the features of prior Claim 24), neither Aaron nor Tafoya disclose, teach, or suggest a software agent or processing module configured for discovering, retrieving, managing, or distributing pertinent inputs to a dynamic reference repository. Nor do they disclose, teach, or suggest that such pertinent inputs are contained in communications addressed to the dynamic reference repository. The Examiner cites Aaron, paras. [0052]-[0053] as providing such teaching. Applicants respectfully submit, however, that the cited passage instead teaches implementation of an electronic profile and policy vulnerability and reliability assessment. That is, the cited passage teaches a user submitting a request-- inputting policy information, to a rule processor module "configured to provide rules for cycling through the database structure configured as a hierarchal plurality of database pages configured

to include element vulnerability information," etc., to assist a "network administrator" in identifying security and/or reliability related vulnerabilities of the computer and/or network systems. *See* para. [0052], lines 4-7, para. [0006], and figure 5 (illustrating implementation of an electronic profile and policy vulnerability and reliability assessment).

Notably, the submission, identified as a "policy input" is merely received as a set of terms used for the *database query*, that when processed by the rule processor, results in assessment of the impact that a certain system or policy change/input (described in the query) may have on the reliability and/or security of the network. *See* para. [0003], lines 7-11, and para. [0007]. Applicants acknowledge that the query must be addressed or otherwise somehow communicated to the database of computer system. Such query (or policy input), however, would not be interpreted by one skilled in the art as a communication carrying the claimed pertinent inputs to (for) a dynamic reference repository for updating or adding to the knowledge in the repository, or otherwise a submission of information to a database for inclusion, thereof, but rather, would be interpreted for what it is, search terms used for searching an existing database (being maintained by some *other* means) in order to initiate a reliability/vulnerability assessment to thereby allow the network administrator to determine the effect of such new policy change, etc. Applicants respectfully but vehemently submit that there is a significant distinction between the database/data repository query and retrieving pertinent inputs for storage within the database/data repository. Additionally, to prevent any further confusion, as indicated above, Applicants have amended the corresponding Independent base claims to clearly delineate the difference between the function/operation of either receiving a database query or retrieving search terms in a communication to perform the database query, and the function/operation of discovering/identifying and retrieving "pertinent inputs" to add, update, or otherwise populate a database/repository.

The Examiner further indicates that Tafoya, fig. 5, teaches that information stored in the purported database would have to be addressed to the database to store the information. Notably, it is Applicants understanding that it is the "subject matter experts" that would be controlling the performance of this function, rather than a software agent or processing module. Again, this is an important distinction not disclosed, taught, or suggested.

Similarly, regarding Claim 25 (and the last element of amended Claims 8), although the policy change/input submitted to initiate the database query, can be submitted via e-mail or other means, Applicants respectfully submit that neither the submission, nor the query, would be considered "pertinent inputs" (i.e., reference knowledge to add, update, or otherwise populate the knowledge stored in the repository), but rather, would be considered a database query request including element vulnerability search terms used to query the database to thereby retrieve information from the database/repository--a significant structural difference.

Accordingly, Applicants respectfully submit that Tafoya, alone or in combination with Aaron, does not disclose, teach, or suggest, or otherwise set forth each element of prior Claims 8-9 or 24-25, or in amended Claims 8, 23, and 25. Reconsideration is therefore respectfully requested.

Claims 13, 26-27, and 33 are Not Obvious

Claims 14, 26-28, and 33, were rejected under 35 USC §103(a) as being unpatentable over the combination of Tafoya in view of Yanagihara and in further view of Aaron. Applicants respectfully traverse the rejection. Note, Claims 14 and 28 have been canceled--their features being incorporated in Claims 13 and 27, respectively.

Claims 13 (incorporating the features of prior Claim 14) and 27 (incorporating the features of prior Claim 28), at least in part, feature, for example, that the customizable agent or processing module searches data including data formats which comprise electronic forms that further comprise MS Office, web document, and e-mail document compatible forms. The Examiner cites Aaron, paras. [0041], [0052], and [0053], as providing such teaching. The citations refer to the "request" or "policy input" delivery mechanism containing the terms used in a database query of a database as being of various formats. Aaron does not teach that any actual data or documents destined for *inclusion* in such database comprises such varying formats. Applicants respectfully submit that this is a significant structural difference between what is claimed, and what is taught in the provided citations. Accordingly, Claims 13 and 27 are not obvious in view of the cited documents.

Claim 33 is not obvious for a similar line of reasoning. Claim 33, for example, features, at least in part, pertinent inputs to update or populate a dynamic reference repository are contained in, and retrieve from, electronic communications addressed to the dynamic reference repository. As indicated previously, the claimed pertinent inputs refer to data for inclusion in the dynamic reference repository. As indicated directly above, the Aaron policy input or policy information would be interpreted by one skilled in the art as being a document or submission including the search terms for conducting a database query. Applicants respectfully submit that electronically communicating a database query (or the policy input to form the database query) does not teach the communication of what the Applicants have defined as pertinent inputs to a dynamic reference repository. This is an important structural difference between what is claimed, and what is taught in the provided citations. Accordingly, Claim 33 is also not obvious in view of the cited documents.

Regarding amended Claim 26, neither of the cited references disclose, teach, or suggest a customizable agent comprising utilities to recognize a global change in a name of a data item in an information resource to retrieve pertinent articles, knowledge, or pieces of information containing the data item referred to by a different name in the information resource.

Regarding the additional features of amended Claim 27, neither of the cited references disclose, teach, or suggest documents for input into the dynamic reference repository can be in a plurality of document formats which comprise MS Office, web document, and e-mail document compatible forms, or a customizable software agent configured to integrate the documents having the plurality of document formats into a common standard format used within an enterprise architecture system.

Accordingly, Applicants respectfully submit that Tafoya-Yanagihara, alone or in combination with Aaron, does not disclose, teach, or suggest, or otherwise set forth each and every element of Claims 13, 26-27, and 33. Reconsideration is respectfully requested.

New Claims 36-42 Are Novel and Nonobvious.

Applicants have added Claims 36-42 having various novel and nonobvious features. For example, Claims 36, at least in part, features identifying updates made to existing sources of information for the dynamic reference repository, updating the database within the dynamic

reference repository, and disseminating a plurality of user tailored notices of the identified updates to a corresponding plurality of users of the dynamic reference repository, each user tailored notice individually tailored for each separate one of the plurality of users responsive to a list of keywords or key subjects of interest to the user, provided by the respective user.

Claim 37 features, at least in part, dynamically updating a search for a user searching the dynamic reference repository responsive to search habits of the user to optimize search results for the user, and updating a next search responsive to user input rejecting gathered information gathered during a first search to optimize search results for the user.

Claim 38 features, at least in part, a processing module is further operable to tag a term and contextually relate the term with its associated information source to allow the term to be differentiated and properly used to thereby maintain integrity of an assigned meaning of the term, and redefine contextually one or more terms and definitions underlying the at least one database responsive to one or more identified pertinent inputs.

Claim 39 features, at least in part, identifying updates made to existing sources of information for the dynamic reference repository, updating the at least one database within the dynamic reference repository, and a processing module further operable to disseminate a plurality of user tailored notices of the identified updates to a corresponding plurality of users of the dynamic reference repository, with each user tailored notice individually tailored for each separate one of the plurality of users responsive to a list of keywords or key subjects of interest to the user, provided by the respective user.

Claim 40 features, at least in part, a processing module further operable to dynamically update a search for a user searching the dynamic reference repository responsive to search habits of the user to optimize search results for the user, and update a next search responsive to user input rejecting gathered information gathered during a first search to optimize search results for the user.

Claim 41 features, at least in part, determining the pertinent inputs in a context of a specified capability, and contextually mapping the pertinent inputs to the dynamic reference repository to the specified capability.

Claim 42 features, at least in part, a processing module further operable to recognize a global change in a name of a data item in the at least one information resource to retrieve

pertinent articles, knowledge, or pieces of information containing the data item referred to by a different name in the at least one information resource.

Summary

Applicants respectfully submit that a prima facie case of obviousness has not been established. The primary reference teaches away from the direction to which the Applicants went. There is no motivation to combine such disparate references; and due to such disparities, there would be no expectation of success in combining the teachings in order to build the claimed embodiments of the Applicants invention. Further, the cited references, alone or in combination, do not teach each and every claim element. Additionally, even if it were determined that a prima facie case of obviousness was established, Applicants submit that Applicants have submitted sufficient evidence to rebut such a showing. Reconsideration, therefore, is respectfully requested.

In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the cited documents and the claimed embodiments of the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the cited documents and the claimed embodiments of Applicants' present invention have been made by Applicants. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinctions between claimed embodiments of Applicants' invention to be nonobvious in view of the cited documents.

The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the claimed embodiments of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicants' attorney chooses to mention at this time.

In re Patent Application of:
Kendall Young et al.
                                       Application No. 10/824,449

CONCLUSION

In view of the amendments and remarks set forth herein, Applicants respectfully submit that the Application is in condition for allowance and issue. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Respectfully submitted,

Date: September 9, 2008

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